IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 423 of 2003
in
MISC.CIVIL APPLICATION No 965 of 2003
in
Special Civil Application No. 3138 of 2003
with
Civil Application No. 2993 of 2003

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL
and
Hon'ble MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MARUDHAR RICE MILL
Versus
STATE OF GUJARAT

Appearance:
1. LETTERS PATENT APPEAL No. 423 of 2003
MR BS BRAHMBHATT for Appellant
MR MS RAO AGP for Respondent No. 1-4

CORAM : MR.JUSTICE J.M.PANCHAL
and
MR.JUSTICE A.M.KAPADIA

Date of decision: 09/05/2003

ORAL JUDGEMENT

(Per : MR.JUSTICE J.M.PANCHAL)

1. Admitted. Mr. M.S. Rao, learned A.G.P. waives service of notice on behalf of the respondents.

2. Having regard to the facts of the case, the appeal is heard today.

3. Instant appeal which is filed under Clause 15 of the Letters Patent is directed against order dated April 2, 2003 rendered by the learned Single Judge in Special Civil Application No. 3138 of 2003 by which prayer made by the appellant to quash seizure order dated January 9/10.2003 passed by the District Supply Officer, is rejected. The appeal is also directed against the order dated April 22, 2003 rendered in Misc. Civil Application No. 965 of 2003 by which the learned Single Judge has refused to review the order dated April 2, 2003 rendered in Special Civil Application No. 3138 of 2003.

4. The Appellant is a Rice and Pulse Mill. On December 31, 2002, surprise raid was carried out at the mill premises and several irregularities were noticed. Therefore stock worth Rs.33,44,566/- is seized under the provisions of the Gujarat Essential Articles Dealers (Regulations) Order, 1977. Thereupon the appellant invoked extraordinary jurisdiction of this Court under Article 226 of the Constitution by filing Special Civil Application No. 3138 of 2003 and challenged validity of the seizure order. The learned Single Judge dismissed the petition by order dated April 2, 2003. The appellant moved Misc. Civil Application No. 965 of 2003 for reviewing the said order. However, the review application is also dismissed by order dated April 22, 2003 giving rise to instant appeal.

5. We have heard the learned advocates of the parties. From the record, it is evident that the appellant has submitted an application dated February 5, 2003 to the Collector, Bharuch, requesting to release the goods seized, on the appellant furnishing bank guarantee. It is not in dispute that the said application is not decided till date. Having regard to the perishable nature of the commodity seized, this Court is of the opinion that interest of justice would be served if the Collector is directed to decide the said application in accordance with law, within the time to be stipulated in this order.

6. For the foregoing reasons, the appeal partly

succeeds. The Collector, Bharuch is hereby directed to decide the application dated February 5, 2003 submitted by the appellant in accordance with law, as early as possible and preferably on or before May 31, 2003. The appeal stands allowed only to the extent indicated hereinabove. There shall be no orders as to cost.

7. As the appeal is disposed of, Civil Application for interim relief does not survive. Hence it is rejected. There shall be no orders as to cost.

8. Direct service is permitted.

(J.M. Panchal, J.)

(A.M. Kapadia, J.)

(karan)